



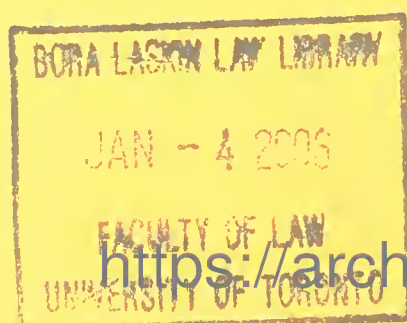
**THE FUTURE OF INTERNATIONAL
HUMANITARIAN LAW**

INTENSIVE COURSE

WINTER 2006

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Faculty of Law
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Class	Topic	Readings
Class 1	The history of humanitarian war and the customs of war	Cassese <i>International Criminal Law</i> Oxford University Press, 2003, Chapters 1-2.
Class 2	The Evolution of Jurisdiction and Subject matter jurisdiction	Cassese <i>International Criminal Law</i> Oxford University Press, 2003 Chapters 3-5 (pgs 47-106) Executive Summary of Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, pages 2-6, available at http://www.ohchr.org/english/darfur.htm
Class 3	Establishment of the ad hoc Tribunals for the former Yugoslavia and Rwanda <ul style="list-style-type: none"> - competence - legitimacy - prosecution policy organization of the Tribunals	<i>The Prosecutor v Tadic</i> , "Dule" case, IT-94-I-T, 7 May 1997, paras 1-5 <i>The Prosecutor v Jean-Paul Akayesu</i> , ICTR-96-4-T, 2 September 1998, paras 1-5 [Akayesu] <i>Report of the Secretary General on the Establishment of a Special Court in Sierra Leone</i> , Document S/2000/915, available at http://www.afrol.com/Countries/Sierra_Leone/documents/un_sil_court_041000.htm

	<p>Other Tribunals</p> <ul style="list-style-type: none"> - Sierra Leone - East Timor 	<p>The Truth and Reconciliation Act 2000 available at www.sierra-leone.org/documents.html</p> <p>No Peace Without Justice Report from Freetown Conference on Accountability Mechanisms for Violations of International Humanitarian Law in Sierra Leone, 20-22 February 2001, available at http://www.specialcourt.org/Outreach/SLConferenceReportFinal.htm</p> <p>Human Rights Watch Justice for East Timor March 2000 available at www.hrw.org/background/asia/timor/etimorback0330.htm</p> <p>Magro Is there Justification for an International Criminal Tribunal in East Timor available at www.murdoch.edu.au/elaw/issues/v7n3/magro73_text.html</p> <p>Security Council Resolution 1264, available at http://www.un.int/usa/sres1264.htm</p>
<p>Class 4</p>	<p>Evidence</p> <p>Procedure</p>	<p><i>Akayesu</i> paras 131-144</p> <p><i>Dixon Developing International Rules of Evidence for the Yugoslav and Rwanda Tribunals</i> 7 Transnational Law and Contemporary Problems 81 (1997)</p> <p><i>Akayesu</i> paras 461-470</p> <p><i>Barayagwiza v Prosecutor</i> Case No. ICTR-97-19-AR72, 3 November 1999, paras 40-112</p>
<p>Class 5</p>	<p>The definitions of crimes</p> <p>Determining Individual Responsibility</p>	<p>Bantekas <i>The Contemporary Law of Superior Responsibility</i> 93 AJIL 573 (1999)</p>

	<ul style="list-style-type: none"> - Civilian and military command and defences - Conspiracy, complicity and incitement to genocide 	<p><i>The Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic</i> IT-96-23-T, 22 February 2001, paras 395-399</p> <p><i>Prosecutor v Delalic</i> (“Celebici”) IT-96-21-T, Trial Chamber Decision, 16 November 1998, paras 346; 354;</p> <p><i>Celebici</i> IT-96-21-A, Appeal Chamber Decision, 20 February 2001, paras 189-198; 225-6</p> <p><i>The Prosecutor v Clement Kayishema and Obed Ruzindana</i> ICTR-95-1-T, 21 May 1999, paras 7-14; 193-202; 213-231; 473-516</p> <p><i>Akayesu</i> 525-562</p>
<p>Class 6</p>	<ul style="list-style-type: none"> - Gender Crimes - Recognition by the ad hoc tribunals - Incorporation by the International Criminal Court 	<p>Askin <i>Sexual Violence in Decisions and Indictments of the Yugoslav and Rwanda Tribunals: Current Status</i></p> <p>Goldstone and Dehon <i>The Prosecution of Gender Crimes under International Law</i></p> <p>Bedont <i>Gender-Specific Provisions in the Statute of the ICC in Essays on the Rome Statute of the ICC</i> Lattanzi and Schabas eds, available at www.iccwomen.org/resources/genderprovs.htm</p> <p>Sari Moshan <i>Women, War and Words: The Gender Component in the Permanent International Criminal Court’s Definition of Crimes Against Humanity</i> 22 <i>Fordham International Law Journal</i> 154 (1998)</p> <p>Bedont and Hall <i>Martinez Ending Impunity for Gender Crimes Under the International Criminal Court</i> 6 <i>The Brown Journal of World Affairs</i> 65 (1999)</p>
<p>Class 7</p>	<ul style="list-style-type: none"> - International Criminal Court - Jurisdiction and 	<p>Sadat and Carden <i>The New International Criminal Court: An Uneasy Revolution</i> 88</p>

<p>Georgetown Law Journal 318 (2000)</p> <p>Goldstone and Simpson <i>The Prospects and Challenges Facing the ICC South African Yearbook of International Affairs</i> 365 (2002/3)</p> <p>Akhavan; Meron, Hays Parks and Visser-Sellers <i>The Contribution of the Ad Hoc Tribunals to International Humanitarian Law</i></p> <p>Boelaert-Suominen <i>The Yugoslavia Tribunal and the Common Core of Humanitarian Law Applicable to All Armed Conflicts</i></p> <p>Goldstone <i>The Trial of Saddam Hussein: What Kind of Court should Prosecute Saddam Hussein and Others for Human Rights Abuses</i> Fordham International Law Journal Vol 27 No. 4 1490</p>	<p>role</p> <ul style="list-style-type: none"> - Challenges faced - US opposition <p>Successes and failures of international tribunals</p> <p>The Way Forward? New Challenges and Methods</p> <ul style="list-style-type: none"> - The Iraq Tribunal - Security Council referral and Darfur 	
<p>UN High Level Panel on Threats, Challenges and Change, pages 53-58. Available at http://www.un.org/secureworld/</p> <p>Heymann and Kayyem <i>Long Term Strategy Project for Preserving Security and Democratic Freedoms in the War on Terror</i> available at http://bcsia.ksg.harvard.edu/BCSIA_Content/documents/LTLS_finalreport.pdf</p>	<p>International Politics and the Future of International Humanitarian Law:</p> <ul style="list-style-type: none"> - Terrorism and the Use of Force - Enemy Combatants and the Use of Torture - The future role of the United Nations 	<p>Class 8</p>